

Adopted	Rejected
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COMMITTEE REPORT

YES:	9
NO:	0

MR. SPEAKER:

*Your Committee on Public Policy, to which was referred Senate Bill 280, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 4, line 3, delete ":" and insert "**have been terminated before**
- 2 **the entry of a final decree of adoption; or**".
- 3 Page 4, delete lines 4 through 6.
- 4 Page 13, after line 38, begin a new paragraph and insert:
- 5 "SECTION 31. IC 31-35-1-6, AS AMENDED BY P.L.146-2007,
- 6 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2009]: Sec. 6. (a) Except as provided in subsection (c), the
- 8 parents must give their consent in open court unless the court makes
- 9 findings of fact upon the record that:
- 10 (1) the parents gave their consent in writing before a person
- 11 authorized by law to take acknowledgments; and
- 12 (2) the parents were:
- 13 (A) advised in accordance with section 12 of this chapter; and
- 14 (B) advised that if they choose to appear in open court, the
- 15 only issue before the court is whether their consent was

1 voluntary.

2 (b) If:

3 (1) the court finds the conditions under subsection (a)(1) and

4 (a)(2) have been met; and

5 (2) a parent appears in open court;

6 a court may consider only the issue of whether the parent's consent was
7 voluntary.

8 (c) The consent of a parent to the termination of the parent-child
9 relationship under this chapter is not required if:

10 (1) consent to the termination of the parent-child relationship is
11 implied under section 4.5 of this chapter, if the parent is the
12 putative father;

13 (2) the parent's consent to the adoption of the child would not be
14 required under:

15 (A) IC 31-19-9-8;

16 (B) IC 31-19-9-9; or

17 (C) IC 31-19-9-10; ~~or~~

18 (3) the child's biological father denies paternity of the child before
19 or after the birth of the child if the denial of paternity:

20 (A) is in writing;

21 (B) is signed by the child's father in the presence of a notary
22 public; and

23 (C) contains an acknowledgment that:

24 (i) the denial of paternity is irrevocable; and

25 (ii) the child's father will not receive notice of adoption or
26 termination of parent-child relationship proceedings; **or**

27 **(4) the child's biological father consents to the termination of**
28 **the parent-child relationship before the birth of the child if**
29 **the consent:**

30 **(A) is in writing;**

31 **(B) is signed by the child's father in the presence of a**
32 **notary public; and**

33 **(C) contains an acknowledgment that:**

34 **(i) the consent to the termination of the parent-child**
35 **relationship is irrevocable; and**

36 **(ii) the child's father will not receive notice of adoption**
37 **or termination of parent-child relationship proceedings.**

38 A child's father who denies paternity of the child under subdivision (3)

1 **or consents to the termination of the parent-child relationship**
2 **under subdivision (4)** may not challenge or contest the child's
3 adoption or termination of the parent-child relationship.

4 **(d) A child's mother may not consent to the termination of the**
5 **parent-child relationship before the birth of the child."**

(Reference is to SB 280 as printed February 3, 2009.)

and when so amended that said bill do pass.

Representative Van Haften